

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB526**

---

**Hearing Date:** Tuesday February 10, 2009  
**Committee On:** Urban Affairs  
**Introducer:** Friend  
**One Liner:** Provide requirements for land annexation by certain cities and villages

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File

---

**Vote Results:**

<b>Aye:</b>	5	Senators Friend, Coash, Cook, McGill, White
<b>Nay:</b>		
<b>Absent:</b>	2	Senators Lathrop, Rogert
<b>Present Not Voting:</b>		

---

**Proponents:**

Senator Friend  
John Green  
Dan Hoins  
Gary Krumland

**Representing:**

Introducer  
City of Gretna  
City of Papillion  
League of NE Municipalities

**Opponents:**

Michael Smith

**Representing:**

Sarpy County

**Neutral:**

Doug Clark  
Rex Moats

**Representing:**

MUD  
Self

---

**Summary of purpose and/or changes:**

This bill deals with municipal annexation, proposing to provide special provisions for annexation by cities located in counties bordering on Douglas County.

The new authority would be extended to any first or second class city or village located within the boundaries of a county immediately adjacent to a county within which is located a metropolitan class city.

While the bill appears to be relatively lengthy, the amendments in all the sections of the bill (except section 2) merely make reference to and incorporate by reference the changes proposed in section 2.

Section 2 provides three substantive changes in annexation law which would broadly widen authority for these specified cities and villages to annex property.

All of the changes are only permitted in counties that border on a county within which is located a city of the metropolitan class (Douglas County). Thus, the provisions of the bill only apply to cities and villages wholly located within the boundaries of Dodge County, Saunders County, Washington County, and Sarpy County.

Subdivision 1 of Section 2 provides the authority for such cities and villages to engage in "strip" or "flagpole" annexation (annexation of non-contiguous property) if the subject property is (a) located within the area over which the city or village exercised extraterritorial zoning jurisdiction on January 1, 2009 and (b) would not add more than twenty-five new residents to the city or village in consequence of the annexation. The section specifically authorizes such an annexation to be accomplished by means of the annexation of a connecting street or right-of-way.

Subdivision 2 of Section 2 authorizes the annexation by such cities or villages of noncontiguous territory with a

---

population in excess of twenty-five persons only with the approval of a majority of the property owners located in the area proposed for annexation. The approval would be obtained in an election conducted in the same manner as an election for members of the board of trustees of a sanitary and improvement district (as set out in section 31-735). It specifically provides that the election may be held at any time that the annexing city determines to call such an election. If the property owners approve of the election, the annexation may be accomplished by means of a "strip" annexation.

Subdivision 3 of Section 2 extends the authority provided in subdivisions 1 and 2 into the future. Recognizing that annexation serves to permit the extension of a city's or village's zoning jurisdiction, it permits the non-contiguous annexation to continue into those areas of extended zoning authority following an annexation, but limits the authority to do so for one year beyond the effective date of the ordinance extending the zoning jurisdiction, thus prohibiting the use of strip annexation to leap-frog into new areas too quickly.

Subdivision 4 of Section 2 makes it clear that these provisions are in addition to current law and that the old "adjacent and contiguous" annexation rules still apply to these cities and villages.

---

Mike Friend, Chairperson